

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl Thomsen on September 27, 2010.

The application has been amended as follows:

In claim 1, line 5, delete "a portion" and insert --an exterior portion--

Cancel claims 16-21 and 26-31

Allowable Subject Matter

It is in the opinion of the examiner that the art of record neither anticipates nor renders obvious "each having a forming surface shaped substantially as an obverse of an exterior portion of said toothed portion...said first and second punch members being adapted to move towards each other along a second axis substantially perpendicular to both of said first axis and said longitudinal axis, into said cavity, once said die members are in said closed position, thereby forging longitudinal indentations on either side of said toothed portion" in combination with the rest of the claimed limitations set forth in the independent claim.

Searching by the Examiner yielded prior art as cited in the previous Office Actions.

Shiokawa (US 2002/0044439) discloses a die apparatus for forming a steering rack comprising: first and second die members (12 and 14) and first and second punch members (20A

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and 20B), wherein said first and second die members are moveable towards each other along a first axis [considered to be the vertical axis; i.e. up and down] and said first and second punch members being adapted to move towards each other along a second axis [considered to be the horizontal axis; i.e. left to right] substantially perpendicular to said first axis. However, Shiokawa does not disclose that the punch members form the exterior portion of the rack and do not operate perpendicular to the longitudinal axis and to modify the prior art would destroy the workability of the base reference since the punch members are mandrels and operate parallel to the longitudinal axis.

Based on Applicant's arguments and the Examiner's review of the Office Action mailed on March 25, 2010, the subject matter is deemed to be allowable. Further explanation can be reviewed in the Applicant's arguments filed on May 21, 2010 on pages 3 and 4. It is additionally noted that the Examiner's amendment to claim 1 was previously discussed on page 3 of the Applicant's remarks. Therefore, it is concluded by the examiner that claims 1, 7-15 and 32 of the present invention are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa Bonk whose telephone number is 571-272-1901. The examiner can normally be reached on Monday -Friday 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Teresa M. Bonk/
Examiner, Art Unit 3725